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Renee Baker, Debra Brooks, Quentin Byrne,  
Tara Carpenter, James Cox, Adam Endel,  
E.K. McDaniel and William Sandie*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BRENDAN NASBY,

Plaintiff,

v.

STATE OF NEVADA, ex re. NDOC, et al.,

Defendants.

Case No. 3:17-cv-00447-MMD-CBC

**MOTION TO EXTEND THE DEADLINE  
TO FILE MOTIONS FOR  
SUMMARY JUDGMENT  
(First Request)**

Defendants, Renee Baker, Debra Brooks, Quentin Byrne, Tara Carpenter, James Cox, Adam Endel, E.K. McDaniel and William Sandie, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Harry B. Ward, Deputy Attorney General, hereby move to extend the deadline to file dispositive motions in this matter by forty-five (45) days.

Brendan Nasby (Plaintiff), is a prisoner in the lawful custody of the Nevada Department of Corrections (NDOC), and has submitted a first amended civil rights complaint (FAC) pursuant to 42 U.S.C. § 1983. (ECF Nos. 1, 3.) Plaintiff has filed a motion for leave to file a second amended complaint. (ECF. No. 44.) Defendants filed a notice of non-opposition. (ECF No. 45.) Thereafter, Plaintiff filed an amended complaint. (ECF 49.) This Court has granted Plaintiff's motion to file an amended complaint (ECF No. 48) and has ordered the Attorney General's Office to file a Notice by August 30, 2019, of the names of the defendants for whom it accepts service or the last-known address of those defendants under seal. (*Id.*) Defendants must file their answer or other response to the second amended complaint on or before October 8, 2019. (*Id.*)

1 Federal Rule of Civil Procedure 6(b)(1) governs enlargements of time and provides as follows:

2 When an act may or must be done within a specified time, the court  
3 may, for good cause, extend the time: (A) with or without motion or  
4 notice if the court acts, or if a request is made, before the original  
time or its extension expires; or (B) on motion made after the time  
has expired if the party failed to act because of excusable neglect.

5 The proper procedure, when additional time for any purpose is needed, is to present a request  
6 for extension of time before the time fixed has expired. *Canup v. Miss. Val. Barge Line Co.*, 31 F.R.D.  
7 282 (W.D. Pa. 1962). Extensions of time may always be asked for, and usually are granted on a  
8 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8  
9 F.R.D. 268 (N.D. Ohio 1947). The present deadline to file motions for summary judgment is today,  
10 August 28, 2019. (ECF No. 41 at 3.)

11 Defendants seek an enlargement of time to file dispositive motions in this matter because: (1)  
12 the Plaintiff has filed a second amended complaint; (2) defendants must file a notice by August 30,  
13 2019, advising the court of the names of the defendants for whom it accepts service or the last-known  
14 address of those defendants under seal; and (3) defendants must file their answer or other response to  
15 the second amended complaint on or before October 8, 2019.


16 Good cause exists to extend the time to file this motion. This request is made in good faith and  
17 not for the purpose of delay. Defendants respectfully submit that none of the parties will be prejudiced  
18 by the extension of time sought.

19 If granted, the new deadline to file motions for summary judgment would be Monday, October  
20 7, 2019

21 DATED this 28th day of August, 2019.

22 AARON D. FORD  
23 Attorney General

24 By:

  
25 HARRY B. WARD, Bar No. 11317  
26 Deputy Attorney General

Attorneys for Defendants

27 IT IS SO ORDERED

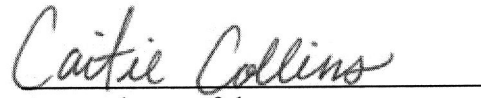
28   
U.S. MAGISTRATE JUDGE

DATED: 8/29/2019

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 28th day of August, 2019, I caused to be served a copy of the foregoing, **MOTION TO EXTEND THE DEADLINE TO FILE MOTIONS FOR SUMMARY JUDGMENT (First Request)**, by U.S. District Court CM/CFE Electronic Filing to:

Brendan Nasby, #63618  
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Office of the Attorney General